

Oak Ridge Reservation EMDF ROD (Draft 1 issued on 7/12/21) – Status of Remaining Issues

| Issue | Progress | Next steps | Needed for public comment |
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| ARARs in ROD | EPA, TDEC and DOE participated in three discussion/resolution meetings. All parties are aware of the issues. EPA comments will not be a surprise. | EPA will issue preliminary ARAR comments on 9/03/21; final comments NLT 9/27/21. | |
| Mercury Management Approach | EIT developed draft on 8/16/21. DOE and TDEC comments received. Revised ORC comments received 8/31. | EIT to revised approach per comments. Anticipate resolution by 9/15. | ✓ |
| Effluent limits for Radionuclides | Project team developing water quality based effluent limits. 1) Fish consumption rates being negotiated; 2) Assimilative capacity of receiving stream: team suggesting differing NPDES methods (TN may not agree, WD may not agree), under discussion (low flow vs average flow conditions); 3) “secondary” COC list being negotiated; 4) Treatment of challenging rads being negotiated. 5) Fall fish sampling event pending (post ROD mod if needed) | Anticipate project team recommendation by 10/1/21. Some indication that DOE may not endorse project team result. | ✓ |
| Waste Acceptance Criteria (WAC) | EPA has no further comments. TDEC and DOE continue to negotiate. | | ✓ |
| Comments on D1 ROD | Preliminary draft technical comments (including RPM, hydro, eco risk and Tech Law) submitted on 8/11/21 (12 pages). ORC comments received on 8/27/21 (77 comments, 33 pages). HQ comments received 8/30/21 with a few to follow (69 comments; 39 pages, plus redline version). | 1) Consolidate and reduce comments NLT 9/13; 2) Resolve conflicts in R4/HQ comments; communicate significant comments to TDEC NLT 9/17; 3) R4 briefings, as needed 9/24; 4) Formal comments to DOE NLT 9/27/21; 5) DOE to prepare D2 ROD (tent. 30 days) | |
| Focused Feasibility Study for Wastewater | Submitted to EPA on 6/23/21 EPA commented on 7/22/21 | EPA awaiting DOE’s revision. DOE to revise FFS, including addition of effluent limits for | |

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| | | radionuclides and Hg. Finalize before ROD is signed. | |
| Public Engagement on new information since 2018 PP | EPA and TDEC directed DOE to inform the public of new information developed since the 2018 Proposed Plan and hold 30-day comment period. | ORC advised that a revised Proposed Plan for EPA/TDEC approval is needed vs. DOE fact sheet or similar | |

ARAR issues:

To our knowledge, there are two main issues of disagreement:

- 1) inclusion of DOE orders in the ARAR/TBCs table and enforceability of DOE orders if they are TBCs. EPA said DOE orders will be enforceable if they are TBCs in the ROD, because they become part of CERCLA.
- 2) argument about RCRA Subtitle C compliance haz waste tanks for leachate storage. Unclear whether EPA is asking for the ARAR to be included in the table in case needed in future, or if EPA is asking for the tanks to be built and included in leachate collection system.

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